

## **MEMORANDUM**

To: City Council  
From: Human Rights Commission  
Re: Updating Ann Arbor's Non-Discrimination Ordinance  
Date: May 18, 2013

Ann Arbor has fallen behind many comparable cities in adequately protecting its residents against discrimination. No longer a model, Ann Arbor's Non-Discrimination Ordinance needs to be updated and revised. As many of you know, the Human Rights Commission (HRC) has been looking at what changes should be made. We have been drawing on the expertise of the City Attorney's Office, Fair Housing Center, and others and reviewing the non-discrimination ordinances of many other cities. We appreciate the interest Council has shown in this effort and want to keep you apprised of our work. What follows is a brief overview of some areas of the ordinance that need to be addressed. We hope to schedule time during a Council work session later this year to discuss these in more detail.

Here are some of the revisions that need to be made:

- Language regarding disability should be changed to mirror that used in federal and state law.
- Language regarding affirmative action should be changed to comply with current law.
- The categories for which the ordinance provides specific protections against discrimination should be altered, augmented, and, in some instances, redefined to bring them into line with both existing federal and state law and the more up-to-date and forward-thinking ordinances of some other cities.
- The ordinance should contain a transparent and effective process for addressing discrimination complaints and ordinance violations. Currently, it does not. The ordinance provides that all complaints be given to, investigated by, and resolved through conciliation or initiation of prosecution by the Director of the Department of Human Rights. There has not been a Director of the Department of Human Rights (or even a Department of Human Rights) in Ann Arbor since 2003.
- The process for the review and enforcement of city contractor compliance with non-discrimination and equal opportunity requirements is outdated, uses language that does not comply with current law, and should be changed. The ordinance gives the city contractor oversight responsibilities to the now non-existent Director of the Department of Human Rights.

- Since there is no longer a Department of Human Rights, the duties of the HRC, as described in the City Code, should be revised. Formerly known as the Human Relations Commission, the HRC's responsibilities from 1957 to 1970 included the handling of alleged civil rights violations in the city. In 1970, when the Department of Human Rights was created to enforce the then new Non-Discrimination Ordinance, that responsibility was given to the Department of Human Rights and the duties of the HRC were adjusted accordingly. Now that the Department of Human Rights is gone and there are no funds to replace it, Ann Arbor's HRC, like human rights commissions in many other cities, should be tasked with overseeing the implementation of its city's anti-discrimination law.

The Non-Discrimination Ordinance provides some of Ann Arbor's residents with the *only* protection they have against discrimination in housing, employment, and public accommodations, since state and federal protections do not extend to them. So it is particularly important that the City of Ann Arbor update its ordinance to ensure that each resident has the protection he or she needs.

We look forward to talking with you about this in more detail, hopefully in early fall. Until then, please direct any questions or comments to us at [aahumanrightscommission@gmail.com](mailto:aahumanrightscommission@gmail.com) or (734)-794-6141.